

(1)
the taking the
the Statute
to take this
their Names
the Kings
it be in
of the Term
againt
by the
Commissioners

OBSERVATIONS

FOR THE Justices of the Peace,

To be made use of in Execution of
the Commission for taking the Oaths of
Allegiance and Supremacy.

First, It is to be observed, That though
by the Statute 3 Jac. 4. the Justices are
limited to tender the Oath of Allegi-
ance to persons Indicted or Convicted
of Treason, or persons passing through
the County, as the Statute mentions;
Yet by the Statute 7 Jac. 6. that Limitation is omitted,
and any two Justices, whereof one to be of the
Quorum, may tender the Oath of Allegiance to any
person (if above Eighteen) not Noble, though not In-
dicted, and on refusal thereof, Commit them without
Bail till the next Assizes, or General Quarter Sessi-
ons; so that as to the Oath of Allegiance, this Com-
mission contains no more than the Justices had power
to do by the Statute, if no Commission had been
granted, the Commissioners and the Quorum in this Com-
mission, being the same with the Commission of the
Peace.

A

Secondly,

Secondly, The Commission as to the taking the Oath of Supremacy, is grounded upon the Statute; Eliz. Cap. 1. And the persons that refuse to take this Oath, the Commissioners are to certify their Names by Certificate to be sent to the Judges of the Kings-Bench within Forty days after the refusal, if it be in Term time; if out of Term, the first day of the Term after the Forty days, in order to be proceeded against in a *Præmunire*, on pain of *100 l.* to be Forfeited by the Commissioners for omitting such Certificate.

The Form of such Certificate is annexed.

Thirdly, If any person refuse to take the Oath of Allegiance, he ought to be Committed to the Goal, there to remain without Bail till the next Assizes, or General Quarter Sessions; and at the next Assizes or General Quarter Sessions, the Oath of Allegiance is to be tendred again, and upon refusal there, the persons refusing, incur a *Præmunire*. The cause of the Commitment is to be expressed in the Commitment.

The Form of the Mittimus is annexed.

Fourthly, The Commission may be executed by any two of the Commissioners or Justices of the Peace, whereof one to be of the *Quorum*: Therefore for the expedition of this Service, the Commissioners may (if they think fit) divide themselves, and act in the several parts of the County where they live, as to the Papists named in the Commissions, that live near them, in the same manner as they act in relation to the common matters of the Peace.

Fifthly, The Commissioners are to send for the persons before them, and tender the Oaths, and if they refuse the Oath of Supremacy, they are to require Sureties of them, to appear in the Kings-Bench, upon the

the return of the Certificate to be made as aforesaid; And for want of Sureties, they are to be Committed to the Goal, by the opinion of the Judges.

Such as refuse the Oath of Allegiance, are to be Committed to the Common Goal, there to remain without Bail or Mainprize till the next Assizes, or General Sessions of the Peace.

The Form of the Mittimus for refusing the Oath of Supremacy is annexed.

Sixthly, The Commissioners are to make a Certificate of the Names of such persons as take, and also of such persons as refuse to take the Oath of Allegiance, to the next General Sessions, after the refusal.

The Form of such Certificate is annexed.

Seventhly, If any refuse to take the Oath of Allegiance in open Sessions of the Peace, he may be Indicted thereof at the same Sessions of the Peace, or at the Assizes, and Tried at the next Sessions, but not at the same Sessions of the Peace, but such persons may be Indicted and Tried at the same Assizes.

The Form of an Indictment of a Praemunire for refusing the Oath of Allegiance before the Justices of Peace, is annexed, and also the Form of the Judgment.

The Kings Majesty does not hereby intend to Supercede or hinder the Justices acting in any thing by their ordinary Commission of the Peace, but they may proceed by their former Commission in all things contained therein, as if these Commissions had never been made.

The Form of the Certificate to be made into the Kings Bench.

WE A. and B. Commissioners nominated in a Commission under the Great Seal of England, for Tendering the Oaths of Allegiance and Supremacy to divers persons in the said Commission nominated, inhabiting in the County of _____ Do humbly certify to the Lord Chief Justice, and others the Judges of the Court held before Our Sovereign Lord the King, commonly called the Court of Kings Bench, that we did the _____ day of _____ in the _____ year of His now Majesties Reign, tender the Oath commonly called the Oath of Supremacy, contained in the Statute made in the First year of the Reign of Queen Elizabeth of famous memory, late Queen of England, to A. B. C. D. &c. in the said Commission named, and required them the said A. B. C. D. &c. and every of them, to take the said Oath according to the effect of the said Commission, and of the Statutes in such case provided: And the said A. B. C. D. &c. and every of them did obstinately refuse to take the said Oath. In Witness whereof we have hereto set our Hands and Seals this _____ day of _____ in the _____ year of the Reign of our Sovereign Lord Charles the Second, by the Grace of God, of England, Scotland, France and Ireland King, Defender of the Faith, &c. *Annus Domini 1660*

The Kings Majesty does hereby intend to supply
the said Commission to the said persons
their ordinary Commission of the Peace, but they
have proceeded by their former Commission as if their
Commission had never been made.

*The Form of the Certificate to the
Justices of the Peace.*

WE *A.* and *B.* two of His Majesties Justices of the Peace for the County of _____ where-
of *A.* is of the *Quorum*, and also Commissioners appointed among others by Commission under the Great Seal of *England*, to tender the Oaths of Allegiance and Supremacy, to the persons therein mentioned, do certifie to His Majesties Justices of the Peace for the said County, in their General Quarter Sessions held for the said County at *D.* in the said County, on the _____ day of _____ in the year of our Lord 16 _____ that we did according to the Statute in such case provided, and in pursuance of the said Commission, upon the day of _____ In the _____ year of His now Majesties Reign, at _____ tender the said Oath of Allegiance to *A. B. C. D. & E.* and then and there required the said *A. B. C. D. & E.* and every of them, to take the same Oath, according to the effect of the said Statute: And we do further Certifie, That the said *A.* and *B.* and every of them, did then and there take the said Oath, according to the effect of the said Statute. And we do further Certifie, That the said *C. D.* and *E.* and every of them did then and there Obstinate-ly refuse to take the said Oath of Allegiance, for which cause they the said *C. D.* and *E.* were by us Committed to His Majesties Goal for the said County, there to remain without Bail or Mainprize, according to the Effect of the said Statute, till the then next Assizes or General Quarter Sessions to be held for the said County. In Witness whereof, we have hereto set our Hands and Seals this _____ day of _____ in the _____ year of the Reign of our Sovereign Lord Charles the Second, by the Grace of God, of England, Scotland, France and Ireland King, Defender of the Faith, &c. Annoq; Dom. 16 _____

*Mittimus for refusing to find Sureties on
refusal of the Oath of Supremacy.*

WHereas I. S. did this day of
 in the Year of our
Lord 16 being thereto Required, re-
fuse to take the Oath of Supremacy, before
us His Majesties Commissioners for that
purpose by Commission under the Great
Seal of *England*, nominated and appointed,
and Justices of the Peace for this County of
 and did also refuse to find
Sureties for his Appearance before the
Judges of His Majesties Court of Kings
Bench, to answer such Proceedings as shall
be in the said Court upon a Certificate of
his refusal to take the said Oath, by us to the
said Judges, according to the Statute in such
case provided. These are therefore in His
Majesties Name, to Require you to take
into your Custody the Body of the said
I. S. and him safely in Prison to keep till
he shall be delivered by due Course of
Law, and for so doing, this shall be your
Warrant.

Given under our Hands and Seals, &c.

To the Goaler, &c.

Mittimus

Mittimus for refusing the Oath
of Allegiance.

WE A. and B. two of His Majesties
Justices of the Peace for the Count-
ty of *whereof A. is of*
the Quorum, do hereby Commit to your
Custody the Body of I. S. for refusing to
take the Oath of Allegiance, Requiring you
to take, and safely in Prison to keep him till
he shall be delivered by due Course of Law;
and for so doing, this shall be your War-
rant. Given under our Hands and Seals
this *day of* in the
Year of the Reign of our
Sovereign Lord King Charles the Second
over England, Annoq; Dom. 16

To the Goaler, &c.

*An Indictment of Præmunire before the
Justices of the Peace in the Sessions.*

AD general' quarteria' Session' Pacis Dom' Regis tenet' pro Comitatu' prædict' apud _____ in Comitatu' prædict' die _____ An. o Regni, &c. Coram A. B. C. D. &c. Justic' Dom' Regis ad Pacem dicti Dom' Regis in Comit' prædict' conservand' nec non ad divers' Felon' Transgres' & alia Malefact' &c.

Juratōres pro Dom' Rege & Corpore Com' prædict' super Sacrament' suum præsentant quod A. B. C. D. &c. Justiciari' dicti Dom' Regis ad pacem dicti Dom' Regis in Com' prædict' conservand' : Nec non ad divers' felonias, transgression', & alia malefact' in eodem Com' perpetrata' audiend' & terminand' assignat' in ista eadem general' quarteria' Sessione pacis, in aperta Cur' ejusdem Sessionis, obtulerunt quoddam Sacrament' ordinat' in quodam Statut' in Parliament' Dom' Jacobi nuppi' Regis Angliæ apud Westmonast' in Comitatu' Middlesexie per Prorogationem tenet' Communit' vocat' Sacramentum Ligantia, Anglice, *The Oath of Allegiance*, D. E. F. & G. & quilibet eorum secund' Formam Statut' in tali casu edit' & prævis'. Quolibet eorum prædict' D. E. F. & G. ad tunc existent' ætat' octodecim Annor' & amplius, & ad tunc & ibid' requisiverunt prædict' D. E. F. & G. & quemlib' eor' ad præstand' & Capiend' Sacrament' prædict' secund' Formam Statut' prædict'. Prædict' tamen D. E. F. & G. ad tunc & ibidem pertinacit' & obstinate recusat' verunt & quilib' eorum ad tunc & ibidem pertinacit' & obstinate recusavit præstare Sacrament' prædict' contra Ligant' suam & contra Pacem dicti Dom' Regis, Coronam & Dignitat' suas, nec non contra Statut' prædict'.

The Judgment thereupon.

IDeo considerat' est per Curiam hic quod Prædicti D. E. F. & G. ponantur & quilibet eorum ponatur extra protectionem Dom' Regis, & forisfaciant & quilibet eorum forisfaciat dicto Dom' Regi, omnia bona & catalla, Terras & Tenementa sua, & prædicti D. E. F. & G. Committuntur & quilibet eorum committitur Communi Goale dicti Dom' Regis pro Comitatu' prædict' ibid' remanfur' durant' beneplacito Dom' Regis, &c.

LONDON,

Printed by John Bill, Thomas Newcomb, and Henry Hills,
Printers to the Kings most Excellent Majesty, 1679.

